

Planning Commission Meeting
Minutes
December 22, 2020 at 6:00 PM Via Teleconference

MEMBERS PRESENT: Winfred Pieterse, Joan Schmid, Gerald Williams, William Gunter, Delores Gibson, & Glenn Roberts

MEMBERS ABSENT: None

OTHERS PRESENT: Matthew Millwood & Debra Grant

- I. **Call to Order**
- II. **Roll Call** (Board Secretary)
- III. **Public Hearing** (*Mr. Pieterse made a motion to open the Public Hearing*)
 - **Ms. Ede Graves/BZA Member** stated that she feels the request for the text amendment for Article IX; Section 909 is not necessary; the 45% grace percentage that was previously allowed by the zoning ordinance is adequate. Ms. Graves said she feels that if this decision is left in the hands of those on the streets (staff) and have them make these decisions it could be trouble-some. Ms. Graves also stated that because of the strict guidelines that are followed by the BZA such matters could be handled, and this should not become a political issue. Ms. Graves said there has only been two issues that came before the Board since she has been a member and both have been handled reasonably, she said what the BZA would like to see happen is the Zoning Department working with the home owners; the most recent case that came before the BZA was a matter that only required the home being repositioned on the lot, a variance was not needed. In conclusion she said the BZA would like to see the ordinance stay the way it is.
 - **Mr. John Kester/Chairman of the BZA** told the Commissioners that he submitted a letter (in BZA file) and stated that special exceptions are not needed. He said the BZA operates under the guidelines of the state law. Mr. Kester said he has heard 3 cases in the last 7 years of him sitting on the Board and they had been handled reasonably and asked that no changes be made to Section 909 of the Zoning Ordinance.
(*With there being no other Public Input; Mr. Roberts made a motion to close the Public Hearing and enter into the Regular Meeting; seconded by Mr. Gunter; the motion carried 6 to 0 by a roll call vote*)
- IV. **Approval of Minutes for November 24, 2020;** Mr. Gunter made a motion to approve the minutes as written; the motion carried unanimously.
- V. **Commission Considerations:** (*Mr. Pieterse amended the agenda to hear item #2 first.*)
 1. **Consider and recommend a text amendment to Article IX, Section 909 of the Zoning Ordinance for the City of Georgetown.** **Matt Millwood/City Staff** told the Commissioners that Staff came up with a new exception to the Zoning Ordinance to try and help owners of structures that may have had damages from hurricanes, floods, fire, or homes that are severely dilapidated (which there are over 60 of these within the city) that needs to be removed to clean up the neighborhoods. The city was just awarded a grant in conjunction with Waccamaw Regional Council of Government for \$375,000 to assist with the removal of

dilapidated structures on the West End. The issue is that owners are afraid to tear down their homes because they may not be able to rebuild, this is the reason for this request to try and relieve that situation. Some of the lots are very small and the setbacks cannot be met. Mr. Kester and Mrs. Graves are correct in saying there is a variance process for this, however putting some of the owners through the process is very difficult and they feel they will not be granted a variance. This is why staff is trying to put a mechanism in place. In last month's meeting this was brought up as a discussion item and Ms. Schmid gave a lot of feedback and we have implemented some of them into this draft. Matt said this is not for everyone, it is for certain properties in the city, and there are qualifications that have to be met before they are considered for the exception:

1. **It must be a single family house** (no duplexes, multi-family, or mobile homes)
2. **It must be on a under-sized lot** (R-4 requires at least 8,000 sq. ft. to be a buildable lot; so if the parcel is 8,000 sq. ft. or more it does not qualify)
3. **It must be a residentially zoned parcel** (A lot of single family homes are on GC zoned lots and they would not qualify)
4. **Accessory structures do not qualify** (if an accessory structure is damaged this exception would not apply to that)
5. **The owner must start to rebuild within 6 months** (get a building permit)
6. **A survey will be required**

Matt said all these things will be looked at by Staff before someone is allowed this exception. This was reviewed by the City Attorney and approved as a legal exception. **Mr. Pieterse** said he knows there are a lot of problems on the West End due to lot sizes, and wanted to know how the property owners and/or neighbors be notified of what would be happening to the property. **Matt/City Staff** said nothing is written in this ordinance pertaining to that, because it is an exception, there would not be any notices or posting of signs on the properties, because this is not a public meeting, it is simply to allow the property owners to be able to rebuild on their property if they meet all written requirements. **Mr. Pieterse** asked if there was a certain percentage of damage that constitutes demolition or substantial damages. **Matt/City Staff** said the Building Official, Rick Martin, would determine if a structure is dilapidated based on Building Codes, however substantial damaged is defined as 50% or more of the fair market value when it comes to most instances. **Mr. Roberts** asked for some clarity on the 6 month requirement. **Matt/City Staff** said the construction of the new dwelling should start within 6 months of the demolition. **Mr. Roberts** asked if there would be an exception to this time frame if the owners run into issues that would prevent them from beginning construction within that 6 months. **Matt** said there is the appeals process that would allow the owner to appeal anything within the Zoning Ordinance. The six months is referenced in the Zoning Ordinance for other things (such as Section 400.3) and that is what Staff decided on. **Mr. Roberts** asked if there are any down-sides to this recommendation. **Matt** said the BZA members pointed out some things, however Staff has tried to make this something good for the residents/property owners, however he said if there is an issue it might be if the home that is being removed is approximately 1 ft. from the property line and the owner builds back in the same footprint it might pose a problem. **Mr. Roberts** asked if there would be some way that the Staff could ask the owners to move away from the property line. **Matt** said the verbiage ask that the owner make every attempt to comply with the setbacks. **Mr. Roberts** asked if this is approved would it save the citizens from having to pay the \$150.00 BZA application fee and having to go before the Board. **Matt** said yes that would mean that they would not have to go before the BZA board, unless they are seeking other variances. **Ms. Schmid** asked if anyone in the City did a survey on how many properties are affected by this. **Matt** said he did not think an official survey had been done, but would guess that there were approximately 50% of the Historic District and 25% of the West End, that

does not meet the setbacks. **Ms. Schmid** said she has concerns about this, because the same house that is currently on the property cannot be rebuilt, it would be a new structure that would have to comply with the current zoning laws. Ms. Schmid said the \$150.00 would not be an issue when compared to the other expenses of building a home. In conclusion she said she doesn't feel like this is something that should be used in the City and it would open a can of worms, give people false hope, and wouldn't help as much as we think it would. **Mr. Roberts** said that perhaps having something in place to warn the owners or new buyer that a new home could not be built in the same footprint, and under the current building codes.

Motion: Mr. Williams made a motion to approve the text amendment as presented, seconded by Mr. Pieterse; the vote was 3 to 3 by a roll call vote. (*Matt said this Board is a recommending body and it will be taken to City Council with the understanding that it was a 3 to 3 vote by Planning Commission, and Council can make the call on the text amendment*).

2. **Review and approve an easement plat for Mr. Hall at 1021 Duke Street.** **Matt Millwood/City Staff** said the property owner has revitalized a home on his property (Lot "B") and is currently building a new home on the rear of his lot. The property in the very back is owned by Mr. Hall's wife (Lot "A"), the project went to ARB first and has been approved contingent upon the easement approval from this Board. This is a land-locked piece of property and needs a dedicated easement to access this lot. Matt said he forgot to bring this before the Planning Commission for the approval of the easement before it was presented to the ARB. The request is for a 10 ft. easement to access Lot "A", this property was divided to make Lot "A" and "B" in 1972. The original Zoning Ordinance was done in 1969 and revised in 1973. **Mr. Pieterse** asked if the current driveway that leads to the back of the property would be the easement if approved, and asked about the fire protection. **Matt** said he didn't know what the fire requirements are and said he didn't think it would be an issue because the development still meets minimum setback requirements. **Matt** said the Staff has reviewed the plans and the proposed structure meets all setbacks. **Mr. Gunter** said he went onsite and the construction has begun and the foundation looks close to the main house. **Matt** said the house that is being built is going to be a garage apartment (600 sq. ft.) and it is located on Lot "B" and has been approved. **Mr. Gunter** said he thought a buildable lot had to be a minimum of 5,000 sq. ft. and Lot "A" is only 3,688 sq. ft., he asked if it was large enough to build a structure. **Matt** said yes, it is a lot of record and there is nothing that the City can do about that, it does have to have a certain amount of square footage to be buildable, however the 45% reduction of lot area in Section 900 can be used in this case, and all the setbacks would be met. **Mr. Gunter** said he was concerned about that. **Ms. Gibson** asked what type of materials will be used to make the easement. **Matt** said the ordinance just requires a hard dust-free surface, it does not have to be asphalt or concrete. **Mr. Roberts**, asked if the structure could be as large as the lot is as long as the setbacks are met. **Matt** said that is true, a single family dwelling just has to meet the setbacks. **Mr. Roberts** asked if the proposed structure would cover the entire lot, with the exception of the setbacks. **Matt** said, the design that was submitted by the designer does have the structure covering almost the entire lot, minus the setbacks. **Mr. Pieterse** asked if the ARB looks at the conformity of the neighborhood. **Matt** said from the COA given by the ARB, it looks like everything was met.

Motion: Ms. Schmid made a motion to approve the easement plat for 1021 Duke Street, seconded by Mr. Williams; the motion carried 6 to 0 by a roll call vote.

3. **Consider and recommend a text amendment to Article VIII, Footnote #12 of the Zoning Ordinance for the City of Georgetown.** **Matt Millwood/City Staff** told the Commissioners that this is a footnote to the Area, Yard and Height Requirement; at some point this was changed and removed and at this time Staff would like to insert it to help the residents in R-5. This will help with small lots and give a stair step effect for the setbacks. **Mr. Pieterse** said he is aware of the small lots and they need help to be able to help property owners.

Motion: Ms. Schmid made a motion to approve the text amendment to re-insert this table in the ordinance; seconded by Mr. Roberts; the motion carried 6 to 0 by a roll call vote.

4. **Consider and recommend a text amendment to Article III, IV, and VII of the Zoning Ordinance for the City of Georgetown to add Solar Energy Systems.** **Matt Millwood/City Staff** said it has been 2 years since this had been brought before this Board for discussion, and at this time the City is setup to provide the calculations and supplying the solar energy into the grids for the Solar System. City Council did approve the Interconnection Agreement, which is the agreement between the City and the home owner. At this time we need the zoning regulations for the placement of the solar units. Article III (definition), Article IV (General Provisions), and Article VII (Uses) all need to be amended. This will be used in every zoning district except the CP (Conservation Preservation) district. Changes and edits have been made to make the regulations needed. **Ms. Schmid** asked about easements for access to sun lights, because she is concerned about someone building a structure that prevents someone from having access to the sun for the solar systems, and asked if any provisions were added to help with this. **Matt** said no, however the solar systems will be placed on the roofs and there is a maximum height requirement, so this should not be an issue. **Matt** said he doesn't see the solar systems taking off in the Historic District because of the protective tree ordinance. **Mr. Pieterse** asked if the solar systems are requested in the Historic District, would it have to be approved by the ARB. **Matt** said this has not been discussed with the ARB yet, however it is noted in the ordinance that anything in the Historic District has to be approved by the ARB, and it will be added to the ARB guidelines. **Mr. Roberts** asked if this ordinance apply to residential, commercial, and City. **Matt** said the City has to abide by any rules that are in the Zoning Ordinance and Code of Ordinance. The City has discussed it and is not interested in allowing a solar farm. This design is mostly for homes and businesses that would like to install them on roof tops and meet the regulations and what the City is equipped to handle. **Mr. Roberts** informed the Board that his previous employment was in solar systems.

Motion: Mr. Gunter made a motion to approve as written and presented, seconded by Mr. Williams; the motion carried 6 to 0 by a roll call vote.

VI. Board Discussion:

- **Matt** told the Board that trainings for the upcoming year is needed and the Staff will forward the training schedule as soon as it is available.
- **Matt** asked that any of the Board members that are interested in joining the Comprehensive Plan Task Force should contact him. (*Mr. Pieterse ask that Matt include him on the Comp. Plan Task Force*)
- **Mr. Pieterse** said he appreciated the input from the BZA members and wished everyone a Merry Christmas and Happy New Year.

VII. Adjournment: With there being no further business the meeting was adjourned.

Submitted By,

*Debra Grant
Board Secretary*

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